

APPENDIX K

In general, because of the difficulties between different assays the best person to interpret the result of a particular assay on a particular sample is the Analyst, or the Director of Laboratory where the assay was carried out. Consequently, the opinion expressed in this case by those who carried out the assay that the result is likely to reflect regular heavy drinking by the deceased driver, during the period leading up to the crash, is one with which I would agree.

In short, I am confident that the scientific evidence generated by the French Scientific Investigators gives strong support to the hypothesis that the deceased driver had a concentration of alcohol present in his blood, at the time of his death, which would have significantly impaired his ability to safely control a motor vehicle and gives moderately strong support to the hypothesis that he was a regular consumer of excessive amounts of alcohol in at least the week or so leading up to the crash.

The other drugs detected in the driver's body

With respect to the other drugs found in the deceased driver's body, I would make some comments in addition to those which I made in my Memo of July 2006 in relation to toxicological issues.

In the United Kingdom, many Medical Practitioners would have reservations about prescribing Fluoxetine, often known by its trade name of Prozac, to a person who was known to them to be a heavy drinker. One of the reasons for this is that Fluoxetine is a drug which can produce excited behaviour and, when this is compounded with the disinhibiting effect of alcohol, the judgement of an individual can be impaired.

The presence of Albendazole in the driver's hair remains unexplained. Whilst it is a prescription only medicine in France as well as the United Kingdom, Dr. Pepin and Dr. Deveaux did explain that where a Pharmacist knew the patient, it might be sold to him over the counter, without prescription.